

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 980D-134
OAHU

Amend Prior Board Action of August 23, 1996, Item D-24,
Direct Issuance of Perpetual Non-Exclusive Easements to the
City and County of Honolulu for Wall Footing and Metering
Purposes at Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-075:
portion of 028

BACKGROUND:

On August 23, 1996, under agenda item D-24, the Board had approved the issuance for perpetual non-exclusive easements to the City and County of Honolulu (City), located at the Makalapa Elementary School site. The subject school site is encumbered by Governor's Executive Order No. 3441 setting aside the land to the Department of Education.

The easement for the wall footing area consists of approximately 447 square feet. The easement for the metering equipment area consists of approximately 11 square feet. The subject improvements have been finalized and currently occupy their designated areas. A copy of the Board submittal approved in 1996 is attached as Exhibit A.

Pursuant to the 1996 Board submittal, \$670.00 was specified as consideration from the City for the two easements. However, staff is unable to locate the original appraisal report that had been used earlier to establish the payment amount for both easements. Based upon staff's inquiry with the City, collectively, we are unaware of any records that currently exist to explain how the specified amount of \$670.00 was previously established for said consideration purposes. Further, staff searched for similar easements that were issued to the City at approximately the same time as the subject easements, and we did not locate any instances whereby any consideration had been paid by the City.

REMARKS:

For purposes of consistency, staff recommends that the Land Board amend its previous approval dated August 23, 1996, item D-24, by revising the consideration amount to be specified as gratis.

The subject request is for housekeeping purposes, staff did not request comments from government agencies.

RECOMMENDATION: That the Board:

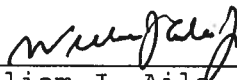
1. Amend its prior Board action of August 23, 1996, under agenda item D-24 by changing the amount of consideration payable to be specified as gratis.
2. All terms and conditions listed in its August 23, 1996 approval to remain the same.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Interim Chairperson

(Handwritten initials)

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 23, 1996

Board of Land and
Natural Resources
Honolulu, Hawaii

SUBJECT: Request Board Approval For the Direct Issuance of
Perpetual Non-Exclusive Easements to The City and
County of Honolulu, Department of Public Works, for
Wall Footing and Metering Equipment Purposes at Halawa,
Ewa, Oahu, TMK: 1st/ 9-9-75:28 (portion)

STATUTE: Section 171-95 Hawaii Revised Statutes, as amended.

APPLICANT:
City and County of Honolulu, Department of Public Works

FOR: I. Perpetual, non-exclusive easement for permanent
wall footing purposes at the Makalapa Elementary
School site at Halawa, Ewa, Oahu, further identified as
a portion of Tax Map Key: 1st/ 9-9-75:28 (portion), as
shown colored in yellow on the map labeled Land Board
Exhibit "A" and appended to the basic file.

II. Perpetual, non-exclusive easement for metering
equipment purposes at the Makalapa Elementary School
site at Halawa, Ewa, Oahu, further identified as a
portion of Tax Map Key: 1st/ 9-9-75:28 (portion), as
shown colored in red on the map labeled Land Board
Exhibit "A" and appended to the basic file.

LAND TITLE

STATUS: 5(y) non-ceded.

STATUS: Encumbered by Governor's Executive Order No. 3441
setting aside the land for school purposes to be under
the control and management of the Department of
Education.

ZONING: State Land Use Commission: Urban
City and County of Honolulu: R-5

LAND AREA:

I. 447 sq.ft., more or less, the exact area to be

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

8/27/96

EXHIBIT "A"

ITEM D-24

determined by the State Survey Office, Department of Accounting and General Services.

- II. 11 sq. ft., more or less, the exact area to be determined by the State Survey Office, Department of Accounting and General Services.

CHARACTER OF USE:

- I. permanent wall footing.
- II. metering equipment purposes.

Consideration:

Six Hundred and Seventy Dollars (\$670.00)

OEQC TITLE STATUS REQUIREMENTS:

Chapter 343, Hawaii Revised Statutes as implemented by Title 11-200-8 (4) of the Hawaii Administrative Rules exempts the minor alterations in the conditions of land, water, or vegetation.

REMARKS: The City and County of Honolulu, Department of Public Works, is requesting these easements as a portion of their Salt Lake Boulevard Widening Project, Luapele Drive to Bougainville Drive, Increment 3, FAUP No. STP-7311 (1). The metering equipment easement is to be used for the street lighting and vegetation irrigation systems for the widening and improvements on the Salt Lake Boulevard Widening Project. The wall easement is required for the project due to the relocation of the wall as a result of the street widening. The cost of this project is partially funded by the Federal Government and time is of the essence for the City and County of Honolulu to commence the project.

RECOMMENDATION:

That the Board:

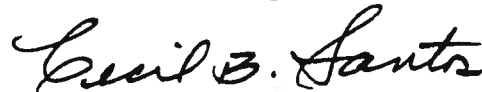
- A. Authorize the direct issuance of two perpetual, non-exclusive easements, one for permanent wall footing purposes and the second for metering equipment purposes, to the City and County of Honolulu, Department of Public Works subject to the terms and conditions previously listed, which are by reference incorporated herein, in addition to the following terms and conditions:
 - 1. In the event that the easement becomes abandoned or remains unused for a period of one (1) year, the easement shall automatically terminate and the premises

revert to the State of Hawaii.

2. Upon termination of the easement, if it is reasonably necessary, the City and County of Honolulu, shall at its own cost and expense remove any and all improvements installed or constructed by them and restore the area to a condition satisfactory to the State of Hawaii, Department of Land and Natural Resources, Land Division.
 3. The City and County of Honolulu, shall use the respective easements for permanent wall footing and metering equipment purposes only.
 4. The City and County of Honolulu, shall at all times, with respect to said premises, use due care for public safety.
 5. Concurrence of the Governor of Hawaii.
 6. Such other terms and conditions as may be imposed by the Chairperson.
- B. Authorize the issuance of an immediate construction right-of-entry to the City and County of Honolulu, Department of Public Works to the above described, subject areas, subject to the following terms and conditions:
1. The City and County of Honolulu and its contractors shall indemnify and hold harmless the State of Hawaii, its officers, employees and agents against all claims for personal injury, death, or property damage caused or in any way connected with the permission granted herein.
 2. The City and County of Honolulu shall comply with all applicable rules, regulations, ordinances and statutes of the Federal, State and County governments relative to the use of the subject area, including those relating to public health and safety.
 3. In the event any unanticipated sites or remains of historic or prehistoric interest are encountered during construction, the City and County of Honolulu, its consultants and/or contractors shall stop work immediately and contact the State Historic Preservation Division in Honolulu at (808) 587-0047.

4. The City and County of Honolulu shall be responsible for cleaning and restoring the area to its original condition or a condition satisfactory to the Department of Land and Natural Resources, Land Division, upon completion of the project.
5. This right-of-entry will expire upon the issuance of the respective easements to the City and County of Honolulu.
6. Concurrence of the Governor of Hawaii.
7. The Department of Land and Natural Resources and its Chairperson reserves the right to impose additional terms and conditions if necessary.

Respectfully submitted,



Cecil B. Santos
Oahu District Land Agent



APPROVED FOR SUBMITTAL:



MICHAEL D. WILSON, Chairperson

INTERSTATE HIGHWAY
(F A P NO I-41-1 (801))

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to Helms Investig

James C. Montgomery 1-11-44 - 1919

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DEPARTMENT OF FINANCE
PROPERTY ASSESSMENT DIVISION
TAX MAPS SECTION
CITY OF CHICAGO, ILL.
TAX MAP
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**FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE**

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